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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,711	03/15/2004	Takao Araki	2004_0406A	8962
513 7590 02/22/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER WORKU, NEGUSSIE	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,711

Applicant(s)

ARAKI ET AL.

Examiner

NEGUSSIE WORKU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/17/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a replay to the application filed on 10/15/04 in which, claims 1-5 are pending. Claim 1, is independent, claim 4-5 are dependent.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 03/15/04 been reviewed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Drawings

4. Figure 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

Art Unit: 2625

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. The claims are objected to because the words are crowded too closely together, making reading difficult. Correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanbayashi (USP 6,594,039), in view of Lockwood (USP 4,743,974).

With respect to claim 1, Kanbayashi '039' shows or discloses an image reader (image reader 10 of fig 1) comprising: a document table having a platen plate which is made from a translucent member and placed in an upper surface of said document table (platen 110 of fig 1, i.e., is a document table made from a translucent member for transmissive or reflective scan as shown in fig 1, col.3, lines 39-45).

a document table cover (101 of fig 1, considered as a cover for scanner 102 of fig 1) supported at an upper end of said document table in a pivotable manner (101 of

fig 1, considered as a cover for a platen table of scanner 102 of fig 1, and is pivot with scanner body of fig 1); a first image sensor (114 of fig 1, a CCD image sensor) which is provided in said document table and actuated in parallel with said platen plate by means of a sensor drive mechanism (reading unit 111, i.e., CCD image sensor 114 moved in parallel relative to the platen 110 by drive controller 208 of fig 2, col.3, lines 40-43).

a document moving mechanism (ADF 101 for feeding documents) for causing a document to move along a document transport path formed in said document table cover (col.3, lines 20-25+); and wherein a track of said document which moves through said document transport path passes through a scan point, which is a focal point of said first image sensor achieved when said first image sensor is situated at a standby position (document from tray 103, moves by feeding means ADF 101 through document transport path to the scanning position [point] to platen 110 relative to scanner 114 of fig 1, col.3, lines 62-67).

Kanbayashi '039' does not disclose a second image sensor fixed to said document table cover so as to be situated at a position above said document transport path,

Lockwood '974' in the same area of image scanning device (as shown in fig 1) teaches a second image sensor (upper scanning element 32 of fig 3) fixed to said document table cover so as to be situated at a position above said document transport path (col.4, lines 34-37+).

Therefore, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Kanbayashi '039'

by the teaching of Lockwood '974' for the purpose to provide a raster input scanner suitable for scanning either simplex or duplex documents fed from a stack or placed on a scanning platen, as discusses by lockwood, see col.2, lines 1-4, and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image scanning devices can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

With respect to claim 2, Kanbayashi '039' teaches the image reader, (as shown in fig 1) wherein a portion of said document transport path located downstream from said scan point is divided into a first path and a second path (roller 108, the first transportation path, and roller 105 of fig second transportation path, as shown in fig 1, col.3, lines 25-30).

Kanbayashi '039' dose not teach a transport switching means is disposed at a location where said document transport path is divided, in order to switch said track of said document moving through said document transport path between said first and second paths.

Lockwood, '989' teach a transport switching means (raised gate 50 of fig 1) is disposed at a location where said document transport path is divided, in order to switch said track of said document moving through said document transport path between said first and second paths (raised gate 50 of fig 2, [i.e. switching means] is disposed on the location where the transport path is separated in order to select document moving direction, col.4, lines 62-65+).

Therefore, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Kanbayashi '039' by the teaching of Lockwood '974' for the purpose to provide a raster input scanner suitable for scanning either simplex or duplex documents fed from a stack or placed on a scanning platen, as discusses by Lockwood, see col.2, lines 1-4, and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image scanning devices can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

With respect to claim 3, Kanbayashi '039' teaches the image reader, (as shown in fig 1) wherein said first path is formed in parallel or substantially in parallel to said track of said document transport path at a position upstream of said scan point (document travel path by roller 108 [i.e. first path]; and said second path is formed so as to be turned upward, (document travel path by roller 105 [i.e. second path] to the scanning position to place on the platen 110 of fig 1).

Claims objected to having Allowable subject matter

8. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4 and 5, are objected to for having allowable subject matter, for the reasons the prior art searched and of record neither anticipates nor suggests document

Art Unit: 2625

thickness detection means which is disposed upstream of said scan point and detects the thickness of said document to move through said document transport path; and control means performing control operation for switching said transport switching means to said first path when the thickness of said document detected by said document thickness detection means is greater than a predetermined threshold value and for switching said transport switching means to said second path when the thickness of said document detected by said document thickness detection means is smaller than said predetermined threshold value.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2625

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Negussie Worku".

Negussie Worku
Examiner
Art Unit 2625